

ORIGINAL

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District of Hawaii

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 16 2023

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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 23-00017 HG
)	
Plaintiff,)	SUPERSEDING INDICTMENT
)	
vs.)	[21 U.S.C. §§ 846, 841(a)(1),
)	841(b)(1)(A), 841(b)(1)(B),
BARRY WILLIAMS, (01))	841(b)(1)(C) and 18 U.S.C.
MELVIN JONES, (02))	§ 1956(a)(1)(B)(i)]
)	
Defendants.)	
)	

SUPERSEDING INDICTMENT

The Grand Jury charges:

Count 1

Conspiracy to Distribute and Possess with
Intent to Distribute Methamphetamine and Fentanyl
(21 U.S.C. § 846)

From a precise date unknown, but by at least in or about October 2021, and continuing to on or about August 31, 2022, within the District of Hawaii and elsewhere, BARRY WILLIAMS and MELVIN JONES, the defendants, and Earl Baker, charged elsewhere, and others known and unknown, did knowingly and intentionally combine, conspire, confederate, and agree with at least one other person, to distribute and possess with intent to distribute controlled substances, namely: (1) 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A); and (2) 40 grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly known as fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

All in violation of Title 21, United States Code, Section 846.

Count 2

Distribution of Methamphetamine and Fentanyl
(21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 841(b)(1)(C))

On or about October 29, 2021, within the District of Hawaii, BARRY WILLIAMS and MELVIN JONES, the defendants, and Earl Baker, charged elsewhere, did knowingly and intentionally distribute 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers and a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly known as fentanyl, Schedule II controlled substances.

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 841(b)(1)(C) and Title 18, United States Code, Section 2.

Count 3

Distribution of Methamphetamine
(21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A))

On or about November 15, 2021, within the District of Hawaii, BARRY WILLIAMS and MELVIN JONES, the defendants, and Earl Baker, charged elsewhere, did knowingly and intentionally distribute 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

Count 4
Distribution of Fentanyl
(21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C))

On or about November 16, 2021, within the District of Hawaii, BARRY WILLIAMS and MELVIN JONES, the defendants, and Earl Baker, charged elsewhere, did knowingly and intentionally distribute a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly known as fentanyl, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C) and Title 18, United States Code, Section 2.

Count 5
Distribution of Methamphetamine and Fentanyl
(21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 841(b)(1)(C))

On or about January 6, 2022, within the District of Hawaii, BARRY WILLIAMS, the defendant, and Earl Baker, charged elsewhere, did knowingly and intentionally distribute 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers and a mixture and substance containing a detectable amount

of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly known as fentanyl, Schedule II controlled substances.

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 841(b)(1)(C) and Title 18, United States Code, Section 2.

Count 6
Distribution of Fentanyl
(21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B))

On or about March 15, 2022, within the District of Hawaii, BARRY WILLIAMS, the defendant, and Earl Baker, charged elsewhere, did knowingly and intentionally distribute 40 grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly known as fentanyl, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B) and Title 18, United States Code, Section 2.

Count 7
Distribution of Methamphetamine and Fentanyl
(21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 841(b)(1)(C))

On or about August 10, 2022, within the District of Hawaii, BARRY WILLIAMS, the defendant, and Earl Baker, charged elsewhere, did knowingly and intentionally distribute 50 grams or more of methamphetamine, its salts, isomers,

and salts of its isomers and a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly known as fentanyl, Schedule II controlled substances.

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 841(b)(1)(C) and Title 18, United States Code, Section 2.

Count 8

Possession with Intent to Distribute Fentanyl
(21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C))

On or about August 15, 2022, within the District of Hawaii, MELVIN JONES, the defendant, did knowingly and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly known as fentanyl, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

Count 9

Distribution of Methamphetamine
(21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A))

On or about August 18, 2022, within the District of Hawaii, BARRY WILLIAMS, the defendant, did knowingly and intentionally distribute 50 grams or

more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

Count 10
Money Laundering
(18 U.S.C. §§ 1956(a)(1)(B)(i) and 2(b))

On or about December 24, 2021, within the District of Hawaii, BARRY WILLIAMS, the defendant, did knowingly and willfully cause a financial transaction to be conducted, namely the deposit of \$16,505.00 in United States currency, which involved the proceeds of a specified unlawful activity, namely narcotics trafficking, in violation of Title 21, United States Code, Sections 841(a)(1) and 846, knowing that the transaction was designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of said specified unlawful activity and that while conducting such financial transaction knew that the property involved in the financial transaction, namely the United States currency in the approximate amount of \$16,505.00, represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2(b).

Serious Drug Felony

Before BARRY WILLIAMS, the defendant, committed the offenses charged in Counts 1 through 7, and 9 of this Superseding Indictment, the defendant had a final conviction for a serious drug felony, namely, a conviction under § 712-1242(1)(c) of the Hawaii Revised Statutes, for which the defendant served a term of imprisonment of more than 12 months and for which the defendant's release from any term of imprisonment related to that offense was within 15 years of the commencement of the offenses charged in Counts 1 through 7, and 9 of this Superseding Indictment. As a result of that conviction, the defendant is subject to increased punishment under Title 21, United States Code, Section 841(b).

First Forfeiture Notice

1. The allegations contained in Counts 1 through 9 of this Superseding Indictment are hereby re-alleged and incorporated by reference for the purpose of noticing forfeitures pursuant to Title 21, United States Code, Section 853.
2. The United States hereby gives notice to the defendants that, upon conviction of the offenses charged in Counts 1 through 9 of this Superseding Indictment, the government will seek forfeiture, in accordance with Title 21, United States Code, Section 853(a), of any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of the violations of

Title 21, United States Code, Sections 841 and 846, alleged in Counts 1 through 9 of this Superseding Indictment, and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violations of Title 21, United States Code, Sections 841 and 846, alleged in Counts 1 through 9 of this Superseding Indictment, including but not limited to:

- a. Approximately \$7,040.00 in United States currency paid for methamphetamine and fentanyl on or about October 29, 2021;
 - b. Approximately \$5,500.00 in United States currency paid for methamphetamine on or about November 15, 2021;
 - c. Approximately \$3,600.00 in United States currency paid for fentanyl on or about November 16, 2021;
 - d. Approximately \$7,760.00 in United States currency paid for methamphetamine and fentanyl on or about January 6, 2022;
 - e. Approximately \$8,800.00 in United States currency paid for fentanyl on or about March 15, 2022;
 - f. Approximately \$5,800.00 in United States currency paid for methamphetamine and fentanyl on or about August 10, 2022;
- and

- g. Approximately \$13,735.00 in United States currency seized from the defendant, BARRY WILLIAMS, pursuant to his arrest on or about August 31, 2022.

3. If by any act or omission of the defendants, any of the property subject to forfeiture described in paragraph 2 of this notice:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court; or
- d. has been commingled with other property which cannot be subdivided without difficulty,

the United States of America will be entitled to forfeiture of substitute property up to the value of the property described above in paragraph 2 of this notice, pursuant to Title 21, United States Code, Section 853(p).

Second Forfeiture Notice

1. The allegations contained in all paragraphs of Count 10 of this Superseding Indictment are realleged and incorporated by reference for the purpose of noticing forfeitures pursuant to Title 18, United States Code, Section 982.

2. The United States hereby gives notice to BARRY WILLIAMS, the

defendant, that, upon conviction of the offense in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i), charged in Count 10 of the Superseding Indictment, the government will seek forfeiture, pursuant to Title 18, United States Code, Section 982(a)(1), of any and all property, real or personal, involved in the offense and all property traceable to such property, including but not limited to a sum of money equal to at least approximately \$16,505.00 in United States currency.

3. If by any act or omission of BARRY WILLIAMS, the defendant, any of the property subject to forfeiture described in paragraph 2 of this notice:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

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the United States of America will be entitled to forfeiture of substitute property up to the value of the property described above in paragraph 2 of this notice, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

DATED: March 16, 2023, at Honolulu, Hawaii.

A TRUE BILL

/s/ Foreperson
FOREPERSON, GRAND JURY

for 
CLARE E. CONNORS
United States Attorney
District of Hawaii


MARGARET C. NAMMAR
Assistant U.S. Attorney

United States v. Williams, et al.
Superseding Indictment
Cr. No. 23-00017 HG